

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-436-RJC

HUNG VAN NGUYEN,)
)
 Petitioner,)
)
 vs.)
)
 J.M. KILLIAN, Warden, FCI Otisville,)
 Otisville, New York,)
)
 Respondent.)
 _____)

ORDER

This Court previously dismissed Petitioner's Motion to Vacate pursuant to 28 U.S.C. § 2255 as untimely. (Doc. No. 14).

Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484-85 (2000) (in order to satisfy § 2253(c) when court denies relief on procedural grounds, a petitioner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

Signed: April 17, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

